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WIGGIN AND DANA

VIA HAND DELIVERY

Counsellors at Law

June 9, 2008

Honorable Leonard B. Sand
United States District Judge
United States Courthouse, Room 1650
500 Pearl Street
New York, NY 10007-1312

Re: Gerena v. Korb and Yale University, SDNY, 07 Civ. 3976 (LBS)

Dear Judge Sand:


We represent defendant Yale University ("Yale") in the above-captioned action. Plaintiffs have moved "ex parte" for an order appointing a marshal for service on the co-defendant Gregory Korb. Mr. Korb's counsel has submitted a letter opposing that motion, and asks the Court to dismiss the action based on defendant Korb's still-pending motion to dismiss.

Also still pending is Yale's motion to dismiss plaintiffs' claims on the grounds that plaintiffs had not served Yale with a proper federal summons and because plaintiffs inexcusably delayed service beyond the time limit in the Federal Rules. In the event the action was not dismissed Yale alternatively sought transfer to the District of Connecticut.

At the argument on December 13, 2007, the Court adjourned defendants' motions to afford plaintiffs an opportunity to properly effect service. Now, several months later, with no reasonable excuse or explanation, plaintiffs have done nothing further to advance the litigation and have offered no excuse at all for their continuing failure to properly serve Yale in accordance with the Federal Rules.

We respectfully submit plaintiffs' complete lack of diligence in pursuing their claims warrants dismissal of their complaint for the reasons set forth in defendants' pending motions to dismiss.

Respectfully yours,



R. Scott Greathead

cc: Honorable Gabriel W. Gorenstein, U.S. Magistrate Judge
David Rabin, Esq., Counsel for plaintiffs
Richard Emery, Esq., Counsel for defendant Korb